

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 IN RE: PHENYLPROPANOLAMINE
8 (PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

ORDER GRANTING MOTION FOR
RECONSIDERATION, VACATING
JUDGMENT, AND DISMISSING
DUPLICATIVE ACTION

9
10 This document relates to:

11 Ackel v. Bayer Corp., et al.,
12 No. 02-1856;

13 Barquet v. Glaxo SmithKline
PLC, et al., No. 02-1747;

14 Barquet v. GlaxoSmithKline
15 Consumer Healthcare LP, et
al., No. 03-3702.

16
17 On March 3, 2004, Plaintiff Stephen Barquet ("Barquet")
18 filed a Motion for Reconsideration of this Court's February 25,
19 2004 Order Granting Defendants' Motion to Dismiss Pro Se Claims
20 with Prejudice Pursuant to CMO 15 and 15A (the "2-25-04 Order").
21 On March 5, 2004, the Court requested responsive briefing from
22 defendants pursuant to LR 7(h)(3). Having reviewed this motion
23 and defendants' response, and, being fully advised, the Court
24 finds and concludes as follows:
25
26

1 Local Rule 7(h) provides:

2 Motions for reconsideration are disfavored. The court
3 will ordinarily deny such motions in the absence of a
4 showing of manifest error in the prior ruling or a
5 showing of new facts or legal authority which could not
have been brought to its attention earlier with reason-
able diligence.

6 Barquet is a plaintiff in three actions in MDL 1407. At
7 issue is Barquet's compliance with CMO No. 15, which required
8 plaintiffs in multi-plaintiff cases to file and serve individual,
9 severed complaints within prescribed time periods. Barquet was
10 part of multi-plaintiff case Ackel, et al. v. Bayer Corp., et
11 al., No. 02-1856. Pursuant to CMO No. 15, Barquet filed an
12 individual, severed complaint, Barquet v. GlaxoSmithKline Con-
13 sumer Healthcare LP, et al., which was assigned Cause No. 03-
14 3702. Barquet was apparently included in error in the 2-25-04
15 Order dismissing *pro se* plaintiffs who failed to comply with CMO
16 No. 15, because he is, in fact, represented by counsel.

17 Barquet is also a plaintiff in Barquet v. Glaxo SmithKline
18 PLC, et al., No. 02-1747, in which his attorneys withdrew,
19 leaving him *pro se*. However, because this case was filed as a
20 single plaintiff action, Barquet, in his capacity as a *pro se*
21 plaintiff, was never subject to the requirements of CMO No. 15.
22 Since Barquet is now represented in Barquet v. GlaxoSmithKline
23 Consumer Healthcare LP, et al., No. 03-3702, the Court concludes
24 that Barquet v. Glaxo SmithKline PLC, et al., No. 02-1747 should
25 be dismissed.
26

1 For the reasons stated above, the Court hereby GRANTS
2 plaintiffs' motion for reconsideration in No. 02-1856, VACATES
3 judgment in No. 02-1856 as to Barquet, and DISMISSES No. 02-1747.

4 DATED at Seattle, Washington this 29th day of March, 2004.
5

6 s/ Barbara Jacobs Rothstein
7 BARBARA JACOBS ROTHSTEIN
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26